IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

S.B. CIVIL SECOND APPEAL NO.847/2007
Gopal Vs. Panchu Lal
11.12.2007.

HON'BLE MR. JUSTICE DALIP SINGH

Shri Jitendra Singh on behalf of Shri Jagdish Singh Chauhan, for the appellant.

Heard learned counsel for the appellant.

As per the office report the appeal is barred by limitation having been filed with a delay of 312 days. The only ground given in the application under Section 5 of the Limitation Act is that on account of wrong advise of the legal adviser and on account of the fact that the appellant was not aware of the legal procedure the appeal could not be preferred in time. The above averment is absolute vague. I do not find any sufficient cause for condonation of delay. The appellant has previously also filed an appeal before the lower appellate court against the judgment and decree of the learned trial court as such this plea cannot be accepted. The application under Section 5 of the Limitation Act is dismissed. This second appeal as well as the stay application stand dismissed as barred by limitation.

(DALIP SINGH),J.

Ramchandrkhatri,PS